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UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAY 10 2000
at 10 o'clock and 50 min. P.M.
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CR00.00199 HG

UNITED STATES OF AMERICA,)	CR. NO. _____
)	
Plaintiff,)	INDICTMENT
)	
vs.)	[18 U.S.C. § 371]
)	
WENJUN XU,)	
)	
Defendant.)	
_____)	

INDICTMENT

The Grand Jury Charges:

Immigration Law Requirements

1. United States Law sets forth various categories of visas that persons, who are not citizens or nationals, can use to enter or remain in the United States. Among these H-1B visas.

2. H-1B visas are intended to allow companies to hire foreign workers. In order to obtain an H-1B visa, the company must file a petition with the INS describing the company, its operations, and the position to be filled by the alien. It must

be accompanied by a statement regarding labor conditions which must be certified by the United States Department of Labor.

The Scheme

3. From an unknown date, but at least as early as 1997, to the present, in the District of Hawaii and elsewhere, Defendant WENJUN XU, knowingly and unlawfully conspired, combined, confederated, and agreed with others both known and unknown to the grand jury to commit the following offenses against the United States:

a. knowingly presenting applications, affidavits, and other documents required by the immigration laws or regulations prescribed thereunder containing statements that the defendant knew to be false in violation of Title 18, United States Code, Section 1546(a).

b. encouraging and inducing aliens, to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that the coming to, entry, and residence in the United States was in violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

Manner and Means

4. It was part of the manner and means of the conspiracy that the corporations and other entities established by WENJUN XU would file false and fraudulent petitions with the INS claiming that the alien who was the beneficiary of the petition was needed as an employee of that entity. This was done so that the alien could obtain a visa to enter the United States.

Overt Acts

5. In furtherance of the conspiracy and in order to effect the objectives thereof, the conspirator performed the following overt acts, among others, in the District of Hawaii and elsewhere:

a. On March 29, 1997, WENJUN XU caused Rainbow Enterprises to file an I-129 Petition for Non-Immigrant Worker on behalf of a PROC national named "Xie P." This petition falsely stated that "Xie P." would be employed by Rainbow Enterprises as a "market analyst."

b. On March 31, 1997, WENJUN XU caused Computer Care Center to file an I-129 Petition for Non-Immigrant Worker on behalf of a Hong Kong national named "Andy N." This petition falsely stated that "Andy N." would be employed by Computer Care Center as a "systems analyst."

c. On January 27, 1997, WENJUN XU caused Pacific Enterprises, Inc. to file an I-129 Petition for Non-Immigrant Worker on behalf of a Philippines national named "Sonia C." This petition falsely stated that "Sonia C." would be employed by Pacific Enterprises, Inc. as a "market analyst."

d. On January 26, 2000, WENJUN XU caused International Business Enterprises, Inc. to file an I-129 Petition for Non-Immigrant Worker on behalf of a PROC national named "Jing X." This petition falsely stated that "Jing X." would be employed by International Business Enterprises, Inc. as an "accountant."


e. On January 18, 2000, WENJUN XU caused International Business Enterprises, Inc. to file an I-129 Petition for Non-Immigrant Worker on behalf of a PROC national named "Hailin Y." This petition falsely stated that "Hailin Y." would be employed by International Business Enterprises, Inc. as a "computer systems engineer."

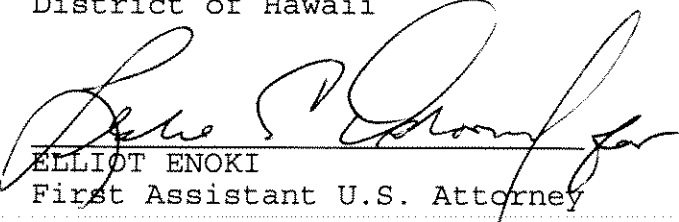
All in violation of Title 18, United States Code, Section 371.

DATED: 10 May, 2000, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, GRAND JURY


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